App F IX 4

Previous References

1948-49
(Ml)

File No 110-4
Serial Nos ~~45~~
1, 41

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

P-13-E

Part B for March '49

SUBJECT

Grant of a Site measuring 86 ft by 20 ft by the Side of the Sriver Jubilee Orchard at Hassan to Sri M L Srikantiah for an upset price

To,
The D C, Hassan
No L 10841/B 22-3-49
confirms the order of the D C Hassan dt D/23-7-48 suspending the resolu of the Hassan T Ml CL D/20-6-48 granting the Site to Sri M L Srikantiah

793
2

Letter no M61 C 571/47-48 & 237-48 from the Dy Hassan st forwarding a copy of his order no M61 C 571/47-48 & 19-7-48 suspending the resolution of the Hassan Town mc cl. & 20-6-48 Granting a site by the side of the Silver Jubilee Orchard at Hassan to Sri M R Sreekantiah for an upset price.

Subd for perusal

1) The order of the Dy Comm, Hassan D. suspending the resolution of the Hassan Town mc cl is flagged 'L' and the orders issued under Section 194 of the Mysore Town mcties Act 1933.

2) The receipt of further report from the Dy Comm, will be awaited

MRS 31/7 Pr 31/7 48

3) Pl put up TP 142 v 42 v 20 leading to the issue of S.O. dated 24/8/48 for 2/8/48

4) Submd - The file is not readily available Vide requisition slip put up

MRS 19/8 Pr 20 & 48

5) Records will look into the file regarding issue of putup 45 for reference

6) A search was made for the file but is not available at present calling for a copy of the S.O. putup

MRS 11/10 Pr

7) Issued for [illegible]

793/2 √ 3499

To The Dy Commr, Hassan Dt
No L 4176 dt 22-10-48
Calls for a copy of Go dt 24-8-43 Jus A 29/10

Letter No Mb L C 2955/47-48 dt 4-11-48
from the Dy Commr, Hassan Dt, forwarding
a further report in the matter

8) Submitted for perusal from the records received
from the D C Hassan Dt, it is seen that
the resolution of the Hassan Town mcl dt 20-6-48
granting a site to Sri Mb L Srikanthah, which
has been suspended by the D C is not in the file
This is an important resolution

9) Submitted with a draft calling for the same

UB 29/11

10) Approved

29/11/48

To The Dy Commr, Hassan Dt
No L 624 dt 8/12/48
Calls for the resolution of the Hassan
Town mcl dt 20-6-48

Jus A 11/12 Letter No Mb C 2955/47-48 dt 22-12-48 from
the Dy Commr, Hassan Dt, forwarding a
copy of the resolution of the Hassan Town
mcl dt 20-6-48

3499 4962
2

11) The order of the Dy Comm Hassan dt 23-7-48 suspending the resolution of the Hassan Town mcl dt 20-6-48 granting a site situated by the side of the Silver Jubilee orchard at Hassan to Sri Mb L Srikantiah for an upset price is flagged "K"

12) The order was communicated to the Pdt of the Hassan Town mcl for an expression of the opinion of the mcl and the reply furnished by the Pdt of the mcl is flagged "M".

13) It is submitted that the question may well be disposed of by the inspection of the spot by the Minister during one of his visits to the place

Subt for orders

WMS
29/2

14) The resolution of the Municipal Council granting the site in question to the same gentleman was suspended by the Deputy Comm and this action was also approved by the Govt in August 1943 (vide copy of letter from the Law Secy - Flag N) The file is not readily available The Muni Cl want to grant the site to the same gentleman now

Pr 4/2/49

(4962)
7537 (4962) 15) (a) Is there a sketch of the plot of land available in the file of records, (b) if so, what are the dimensions of the site (c) Has any price or a deposit been paid for it already for the year 1937
(d) Is the land fit for being built upon for dwelling purposes, (e) Has the opinion of the Board of Public Health been obtained in the matter?

for
17 7145

16) Dealt with a draft letter for appl

Ulls 17) 7/2 Refer - para 15 Supra -
(a) - Yes - Flag Z
(b) 120' x 86'
(c) Yes
(d) Opinion must be obtained
(e) no

P 8.49
18) Kind reference is noted
Flag W letter - no 2 23911 ml 148-42-2
dated 4th & 43 (Flag W) in
which the proposal of the Harbour
Board to dispose of the
Flag Z site measuring 86' x 120' by the
side of the Solvay Jubilee exchan

at Harrow to the Mrs 5
but authority was not approved by
the first Magistrate confirmed the
suspension under s 56 D.C. under sec
194 of the T.C. Act 1933 & directed
that the site refd to above maybe
added on to the school premises
that as the site is not suited for
building purposes from the point of view
of health it should not be allowed
to be built upon.

19 As against this order the Harrow Urban
Dist have appealed of five
years, again passed a resolution
on 20 6 48 in favour of the grant of the site to
the Mrs but authority and rejecting the
the previous order of first maybe varied
29 We represent the Harrow Urban Dist has
passed another resolution suspending the above
resolution and has called upon the Mrs
& to show cause as to why it should
not be enforced
We shall have
on 30 9 48 passed a resolution
to the effect that the grant of the
land to the said Authority would

4962 / Grantpland to Sri M R Srikantaiah - Hassan

is in order and that the results
order presented has been passed after considering all the
report has all aspects of the case that it may be approved,
PWD file the D.C.'s detailed letter dated 11.12.62
on the subject is for perusal also stated
that the site in question is demanded by other
also by the Anathalaya Arakkalgadu
Anathalaya

for one thing the present resolution of
the Assembly makes a departure
upon previously passed
in as also in favour of the proposal
in view of these facts it is for orders
(1) as to whether the D.C.'s above request
be accepted or the resolution referred
(2) whether the Govt. agrees further Council
as regards the suitability of the site for
welfare purposes, by consulting the
Public Health
whether, in view of the conflicting
interests involved in the proposal, the
site may be ordered to be kept
be built upon more fully vacant for ever i.e being prohibited to
(4) whether the site may not be
suspected before letting a decision
in the matter to be passed of. it
may be done by the authority

H.S. Venkatesh for
8/1/63

4962/L

Advice may be found on the front page of the ...
by the Harrogate Minister after visiting the Spot when
the Minister Visited Hallaar last

9/2/49

THE MINISTER FOR
LOCAL SELF GOVERNMENT
No 4187
Date 9/2/49

Minister L.S.G.

9/2/49

I inspected the spot on 2 January last along with the D.C. & Municipal President & they both advised that the Mkt should have given the site in question at upset price which seems to be lot of [illegible] Competition for this site and moreover the reason for giving this site for an upset price to an outsider who is not a resident of that Town is not clear even if he wants a site in that place the concession shown to him cannot be on the ground of poverty because he does not come under that category of people. I also heard some representation from some people that the site in question is a very valuable one & should be disposed of by Public auction. This is a question which has been discussed by previous Govt & as such the Mkt is not competent to issue licence to the party whom the G.O. is very clear on the matter. Having inquired to all the aspects of the question I agree with the report made by the D.C. Harrogan on 4th March 48.

22/2/49

Rec'd 4/3

4/4/49

5/8/49 Submitted with a draft letter for appl...

17/3/49

I.S.G.

110-48 4962

1641) To the Dy Comm, Hassan St
NO L10841 dt 22 3 49
Confirms the order of the D C Hassan S.
dt 23 7-48 suspending the resolution
of the Hassan Town mtg dt 20-6-48
granting site to Sri clb & Srikantiah.
To the Dist. Town mtg, Hassan
NO L 10842 dt 22-3 49
Send a copy of the above

Sent B 28/3

B

OFFICE OF THE DEPUTY COMMISSIONER

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,
DATED, HASSAN 23RD JULY 1948

No M1 C 571/47-48
Encl one

From

The Deputy Commissioner,
Hassan District

To

• The Secretary to Government,
Revenue Department,
Bangalore

Sir,

Re the suspension of the resolution dated 20-6-48 passed by the Town Municipal Council, Hassan

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I have the honour to forward herewith a copy of my order No M1 C 571/47-48 dated 19-7-48 suspending the resolution of Hassan Town Municipal Council dated 20-6-48 granting a site by the side of the Silver Jubilee Orchard at Hassan to Sri I L Sreekantiah for an upset price The circumstances of the case are explained in the said order A copy of this order has been sent to the Municipal President requesting him to obtain and furnish the resolution of the Municipal Council if to show cause against this order

I have the honour to be,
S i r,
Your most obedient servant,

Deputy Commissioner,
Hassan District

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT,

No M1 C 571/47-48 DATED, HASSAN THE 23rd JULY, 1948

Ref Resolution dated 20-6-48 of Hassan Town Municipal Council, granting a site situated by the side of the Silver Jubilee Ordhard at Hassan to Sri M L Sreekantiah for up-set price

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O R D E R

During the year 1942 the Town Municipal Council, Hassan delegated to the President its power of granting sites Accordingly the then President granted certain sites for an upset price which included the site now granted to Sri M L Sreekantiah by the side of the Silver Jubilee Orchard No rules were framed by the Municipal Council as required under Section 46(a) and b(1) and sanction of Government obtained to the same under the proviso to the same section The action of the President in granting the sites for an up set price was therefore considered inconsistant with the rules and unlawful and the resolution of the council in this behalf was suspended The Government have confirmed this order of suspension in their order No L 1890/M1 93-42-52 dated 26-8-1944 and a copy of the same was communicated to the President It was also observed by Government vide Law Secretary's letter No L 2391/M1 142-42-20 dated 24-8-1943 that the grant of this site by the President was illegal, that it was unsuited for building purposes from the point of view of health, that it should not be allowed to be built up-on and that it can be improved by adding on to the silver Jubilee Orchard After some correspondence the District Board dropped the question of adding on this site to the Silver Jubilee Orchard during December 1942 There are also applications for the grant of this site by the Mahila Samaj and Vokkaligara Anathalaya

In spite of the previous orders and instructions of Government the Town Municipal Council have again granted the same site in their resolution dated 20-6-48 to Sri M L Sreekantiah without obtaining the orders of Government re its disposal for building purposes Further this resolution does not specify the extent of the site granted and the upset price fixed for the same but only reference has been made to the previous grant which has been set aside This site is situated by the side of Bangalore-Mangalore road and it may fetch fairly high amount if disposed of in public auction after obtaining the orders of Government or if granted for a reasonable upset price for a public purpose such as for the construction of a Mahila Samaj or the Vokkaligara Anathalaya In these circumstances the resolution of the Municipal Council dated 20-6-48 is suspended under section 194 of the Town Municipal Act All further proceedings should be stayed and no license should be granted for any construction on the site

L Muniswamy
Deputy Commissioner,
Hassan District.

L 4176 - 3
22/10/48

To The Dy Commr, Hassan Dt

Sir,

With reference to your letter No MbI C 571/47-48 Dt 23-7-48 in regard to the suspension of the resolution dated the 20th June 1948 Passed by the Hassan Town mal cl,. Granting a site by the side of the Silver Jubilee Orchard at Hassan to Sri Mb L Srikantiah for an upset price, I am directed to request you to forward a copy of ~~Your~~ letter No L 2391/mal 142-42 20 Dt 24-8-1943 referred to in Your order No MbI C 571/47-48 Dt 23-7-48 suspending the resolution

The ~~Records~~ Connected records

4

relating to the case may also be forwarded

Yours faithfully

for Director of Prosecutions

The Rev Capt
Price

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 3rd November 48

No M L C 2955/47-48/Land Record

To

The Secretary to Government,
Revenue Department, Bangalore

Re the suspension of the resolution dated 20-8-48 of the Hassan Town Municipal Council granting a site to Sri P L Sreekantiah

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In continuation of this office letter No L C 571/47-48 dated 23-7-48 forwarding copy of my order of even No dated 19-7-48 suspending the resolution of the Hassan Town Municipal Council dated 20-8-48 granting a site to Sri L Sreekantiah for an upset price I write to state as follows -

"N" As laid down in the proviso of Sect on 104(2) of the Town Municipal Act the Town Municipal Council, Hassan was given an opportunity to show cause against the order of suspension The Municipal Council have passed a resolution at their meeting held on 30-9-48 stating that the grant of the site to Sri P L Sreekantiah is just and reasonable and that the President may send a reply explaining clearly the facts of the case The President has furnished a reply in his letter No Al P R 1/48 dated 7-10-48 and a copy of the same is enclosed for favour of perusal

As already explained in the order of suspension the grants of sites ordered by the President in accordance with the powers delegated to him by the Council were considered irregular, the resolut on was suspended and the Government have confirmed this order of suspension It is stated by the President that the previous Presidents have granted hundreds of sites in this manner, that nothing has been done in respect of these grants, that many of the grantees have constructed houses and transferred ownership of the same etc , that the site in question was granted in the year 1943, that a sale certificate was issued and that a license was also granted about 5 years back

Re the suitability of this site for building purposes it is argued that the acquisition of lands under Beeranahalli tank and the tank bed for building purposes has been sanctioned by Government and as such the site in question cannot be considered as unsuited as stated in letter No L 2991/A 1 142-40-20 dated 24-8-43 of the Law Secretary to Government A list of all sites granted by the President in virtue of the powers delegated to him by the Council was called for as required in Law Secretary's letter dated 24-8-43 referred to above and the same has not been furnished by the President The Municipal Council have refused the grant of license to Sri L Sreekantiah in their resolution dated 31-7-48 as the grant of the land has been set aside by Government and an endorsement has also been issued to him accordingly on 16-8-48

Inspite of these facts the Municipal Council have granted this site again to Sri L Sreekantiah in their resolution dated 20-8-48 on the ground that he has already paid the upset price The payment of upset price is no ground for granting the site again to him The grant of a sale certificate to Sri P L Sreekantiah is a subject for consideration at the meeting held on 20-8-48 Therefore the statement of the President that the sale certificate was issued and license granted five years back is incorrect Further in this resolution there is no mention about the dimension and the particulars of the site and the upset price for which it is granted The previous sanction of Government for its disposal has not been obtained as directed in Law Secretary's letter dated 24-8-43 This resolution is therefore ultra vires, illegal and against the direction of Government Though the Municipal Council is competent to transfer or sell

Lett r No Al P R 1/48 dated the 7th October 1948 from the Pr sident Municipal Council, Hass n, to the Deputy Commissioner, Hassan District

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With reference to your rero No 'l C 571/47 dated 23rd July 1948 requesting for the resolution of the Municipal Council to sho cause why your order of suspension of the resolution of this Council granting the sites situated by the side of Silver Jubilee Orchard at Hassan to Sri L Srikantiah should not be confirmed b Government and c lling for the resolution of theMun cipal Council in this beralf etc , I rite to st te that the g rant of th s s te (me suring 80 feet b 120 feet) by the President who was acting under the resolution of the Municipal Council empowering him to do so in this behalf as only observed to be illegal by the Le Secret r to Government The previous Presidents had also granted hundreds of sites in this manner Nothing has been done with respect of those sites Anyway most of the persons who got the grant have built the houses and transferred ownership in a number of cases

The Municipal Council cons dered this aspect of the grant of this site and considered the applic tion of Sri L Srikantiah at their meeting held on 30th June 1948 and legalised the grant as required by law, being equitable and just It may be observed that there was an overwhelming majority for the grant under the circumstances

The site was granted in the year 1943 for an upset price by the President and it has been confirmed b the same Council A sale certif c te was issued and a license was also granted about five years ago

It may be observed that it does not lie by the side of Bangalore Mangalore road This site is directly opposite to the dwelling quarters in Birrahalli Tank road And this Council has decided to equire l nds under the Birrahalli Tank and also the tank bed for putting up ar extension The Covt re in favour of breaching the said tank As such it cannot b said that it is unsuited for building purposes

The applications from the Mahila Samaja and Vokkaligara Anathala were brought to the notice of the Council on the date of meeting and the question of grant to Sri L Srikantiah was already on the agenda and it was a case of a prior grant confirmed previously

In my opinion that pl ces is not suited for either of them and the subject was discussed in the Council, the consensus of opinion was that suitable pl ces could be provided in b tter localities for them

Considering all these aspects, the Council have confirmed the grant and resolved that as the applicant has paid the money long back as 1943, a registered sale certificate may be issued at the cost of the party in the interest of justice As such it is not a fit case for suspending the resolution Respectable men of different callings who constitute the Council have given their consideration and out of the twelve members who attended the meeting eleven have been in favour of confirming the grant and for cancellation of the order of suspension

In view of these circumstances the order of suspension may kindly be ordered to be cancelled

I h rein enclose a copy of the resolution passed by this Council at its meeting held on 30th September 48 for ready reference

---

'Copy"

L. Nanjundaswamy

Deputy Commissioner,
Hassan District

4/11/48

Records by Registered Post L6221 Dt 8 12-48 19
R.

To The Dy Commr, Hassan Dt.

Sir

With reference to the Correspondence ending with your letter No Mb R C 2955/47-48 Dt 4-11-48 on the matter of suspending the resolution of the Hassan Taluk Board Dt 20-6-48 granting a site to Sri Mb L Srikantiah, I am directed to point out that the resolution of the said Board Dt 20-6-48 is not to be found in the records sent by you & request you to kindly send a Copy of the resolution in question

The records accompany

10

for reference and retransmission

Yours faithfully

for

for Secy to Govt

Kllg Rev Dept

By legal par-

ML 4962 11

7-1-49

o 1c ? 55/ 7-45 Office of the eputy Collector
rol Record with Resolution cy ited, n, e ard ear 1 c
Washington District,

To

he Secretary o overnment,
evenue epartment,
r lore

Mr Kyle
for
5/1/49 Sir,

e the grant o ai e to ori L orig ation
in --sin to n --

itn reference to your letter o L 6?21 dated 3-1?-1943 requesting to send a copy of the resolution of the Municipal Council dated ?)-6-1943 regarding the grant of a site to ori L orig r lab, ir sg r to n, I herein enclose a copy of the said resolution called for the connected records accompany

Yours faithfully,

Deputy Collector,
Second District

Encl-

(To be abstracted in the weekly volume)

By registered post 12

Zenana

Confl. 110841 / Mk 110-178-41

The Dy Comm., Hassan Dt, 23/3/49

Sir,

With reference to the correspondence ending with your letter no Mo R C 2955/4748 dy 3/4-11-48 on the matter of the grant of a site measuring 86 ft by 120 ft by the side of the Silver Jubilee orchard at Hassan to Sri Mo R Sreekantiah for an upset price, I am directed to state that the grant of the site in question to Sri Sreekantiah, who is not even a resident of the town, is contrary to the orders already passed by Govt in the matter. Further it has been brought to the notice of Govt that there is great competition for this site, and that it is very valuable and fetch a large price if disposed of in the open auction. The reasons advanced by the Hunl Council for the grant of the site to Sri Sreekantiah are not convincing. Having regard to all the aspects of the case Govt are pleased

To 13

Conformg Your ~~letter~~ of 19/23/7/48 or dely of the ~~Asstt~~ Commr Hassan

suspendg the resolution of the Hassan Town mtee

Bg 20-6-48 grantg ~~the~~ site to Sri Mb L

Srikantaiah, under section 196 of the Town mtees

Act 1933 the records accompany

~~petition~~

P Town Plan

by regd post

Yours faithfully

for 18/7/48

for ~~Gl~~ Secy to Govt

LR 10812/48

23/3/49

16/3

Cy forwarded for info to the Resident Town Hall Cl

Hassan

Bro

for Secy 18/8/49

= Br 17/9/49

L10841/HL 110 Lic 41
22/3/49

General Department

The Deputy Commissioner,
hassan District

With reference to the correspondence ending with your letter No M L C 2955/47-48 dated 3/4th November 1948 in the matter of the grant of a site measuring 86 ft by 120 ft by the side of the Silver Jubilee Orchard at Hassan to Sri M L Srikantiah for an upset price, I am directed to state that the grant of the site in question to Sri Srikantiah who is not even a resident of the town is contrary to the orders already passed by Government in the matter and it was not proper for the Municipality to issue the license to the party when the orders of Government are very clear on the point Further, it is seen that there is great competition for this site and that it is very valuable and would fetch a large price if disposed of in open auction The reasons adduced by the Municipal Council for the grant of the site to Sri Srikantiah are not convincing Having regard to all the aspects of the case, Government are pleased to confirm your order of the 23rd July 1948, suspending the resolution of the Hassan Town Municipal Council, dated 20th June 1948 granting the site to Sri M L Srikantiah under Section 194 of the Town Municipalities Act, 1933

The records accompany

Yours faithfully,
Sd/- Mir Safdar Hussain,
General Secretary to Government

Memo No L10841/HL 23/3/49

Copy of the above is forwarded, with compliments, to the President, Town Municipal Council, Hassan

By Order,

for General Secretary to Government